

ARTICLE 4.

Administration and Advisory Bodies to the Board of Supervisors.

Section 9.1-4-1. Powers and responsibilities.

(a) The Board delegates the performance of any act, duty, or obligation, or exercise of any power under this Chapter or any Franchise agreement to the Communications Administrator, except where this Chapter specifies that the Board shall take an action or federal or Virginia law requires action by the Franchising Authority.

(b) Day-to-day administration of cable communications operations and Franchises within the County shall be assigned to the Communications Administrator. The Communications Administrator's powers and responsibilities include, but are not limited to, the following functions:

(1) Preparing invitations to bid for a Franchise; establishing criteria for review and ranking of Franchise applications; reviewing and evaluating applications for Franchises and making selection recommendations to the Board;

(2) Monitoring the timely performance of Grantee(s) in submitting applications for and obtaining all certificates, permits and agreements required by this Chapter and applicable law and the performance of Grantee(s) in meeting applicable construction timetables;

(3) Monitoring and reviewing changes in, additions to, or reductions of Subscriber fees and rates for conformity with the requirements of this Chapter and federal law; advising and making recommendations to the Board on the regulation of rates in accordance with this Chapter; administering and enforcing the rate regulation provisions of the Cable Act and

1 federal law; promulgating rules and procedures concerning rate regulation; and exercising any
2 authority granted by the Board under this Chapter;

3 (4) Advising and making recommendations to the Board on technical,
4 engineering, and police power regulations of cable and communications systems within the
5 County;

6 (5) Cooperating with other cable and communications systems, system
7 operators and governmental units in the development and supervision of the interconnection of
8 systems;

9 (6) Reviewing books, records and reports a Grantee is required to provide
10 pursuant to this Chapter and a Franchise agreement, as well as all franchise reports filed with the
11 FCC or any other regulatory agencies with jurisdiction over any cable or communications system
12 in the County, and, at the Communications Administrator's discretion, requiring the preparation
13 and filing of information in addition to that required by this Chapter or applicable law, as may
14 reasonably be required to accomplish the purposes of this Chapter;

15 (7) Monitoring a Grantee's performance under and compliance with the terms
16 of an applicable Franchise agreement and this Chapter and making recommendations to the
17 Board to ensure such compliance or advising and making recommendations on matters that may
18 constitute grounds for revoking or shortening the term of a Franchise;

19 (8) Receiving and investigating complaints against a Grantee and advising a
20 Grantee of the receipt of Subscriber complaints affecting a Grantee's system;

21 (9) Seeking recovery of penalties or liquidated damages provided for in this
22 Chapter or a Franchise agreement, including but not limited to withdrawing money from a
23 security fund pursuant to a Franchise agreement;

1 (10) Advising the Board with regard to the County's authority to regulate,
2 Franchise, or authorize communications systems in the County;

3 (11) Developing policies to encourage growth and competition in
4 communications, and evaluating the impact of communications systems on the County, for
5 review and implementation by the Board; and

6 (12) Other duties as assigned by the Board and the County Executive.

7 (c) The Board shall have the sole authority to: (i) regulate rates for rate regulated
8 services, except to the extent such authority is delegated to the Communications Administrator in
9 this Chapter; (ii) grant Franchises; (iii) authorize the entering into of Franchise agreements; (iv)
10 renew Franchises; (v) revoke or shorten the term of a Franchise; (vi) authorize the transfer of a
11 Franchise; and, (vii) authorize a change of ownership control of a Grantee.

12 **Section 9.1-4-2. Advisory bodies to the Board of Supervisors.**

13 The Consumer Protection Commission (as defined in Chapter 10 of the Code of the
14 County of Fairfax) may, as directed by the Board or requested by the Communications
15 Administrator, advise and inform the Board on issues relating to Cable systems.

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